

EXHIBIT 1

[1] IN THE UNITED STATES DISTRICT COURT
[2] IN AND FOR THE DISTRICT OF DELAWARE

[3] WILLIE DAVIS, JR.,)
[4] NATHANIEL BRIDDELL,)
[5] GEORGE W. PEDDIMAN,)
[6] JOSEPH GARRISON,)
[7] Plaintiffs,) C.A. No. 04-0414
[8] -vs-)
[9] MOUNTAIRE FARMS, INC.,)
[10] MOUNTAIRE FARMS OF)
[11] DELMARVA, INC., and)
[12] MOUNTAIRE FARMS OF)
[13] Defendants.)

[10] Deposition of JOSEPH GARRISON, taken before
[11] Pamela C. Washington, Registered Professional Reporter
[12] and Notary Public, at the law offices of Young,
[13] Conaway, Stargatt & Taylor, 110 West Pine Street,
[14] Georgetown, Delaware, on January 14, 2005, beginning
[15] at 10:00 a.m.

[16] -----
[17] APPEARANCES:

[18] On behalf of the Plaintiffs:
[19] Margolis Edelstein
[20] BY: JEFFREY K. MARTIN
[21] and KERI L. WILLIAMS, ESQ.
[22] 1509 Gilpin Avenue
[23] Wilmington, Delaware 19806

[24] On behalf of the Defendants:
[25] Shawe Rosenthal
[26] BY: ARTHUR M. BREWER, ESQ.
[27] and LAURA A. PIERSON SCHEINBERG, ESQ.
[28] 20 South Charles Street 11th Floor
[29] Baltimore, Maryland 21201

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[1] WHEREUPON:
[2] JOSEPH GARRISON,
[3] having first been duly sworn by the court reporter,
[4] thereupon testified upon his oath as follows:
[5] MR. BREWER: You have noted the
[6] appearances for the record, Madame Reporter?
[7] THE COURT REPORTER: Yes.
[8] MR. BREWER: We have the standard
[9] stipulation with respect to --
[10] MR. MARTIN: In Delaware, we don't have
[11] any standard stipulations, but I'll be glad to
[12] stipulate --
[13] MR. BREWER: As to the form of the
[14] question, would be the objections.
[15] MR. MARTIN: Yes.
[16] MR. BREWER: Okay, that's fine.
[17] BY MR. BREWER:
[18] Q All right. Mr. Garrison, have you ever
[19] been deposed before?
[20] A Yes.
[21] Q You have? Can you tell me when?
[22] A No, not proposed, no, I haven't,
[23] not ...
[24] Q Deposed like having a deposition like
[25] we're doing today.

[1] Witness:

[2] JOSEPH GARRISON
[3] Examination by Mr. Brewer 3
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[23]
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[25]

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[1] A No, no, no.
[2] Q Have you ever done this before?
[3] A No, no.
[4] Q Okay, thank you. You understand that
[5] you are under oath today, and that you have an
[6] obligation to tell the truth?
[7] A Yes.
[8] Q All right. This is obviously informal,
[9] but it has the same significance and force as if you
[10] were with a judge in a courtroom, do you understand
[11] that, sir?
[12] A Yes.
[13] Q Okay. I'll be asking you a series of
[14] questions; the court reporter, as you can see, will be
[15] taking down your answers. At trial, if it comes to
[16] trial, I will have an opportunity to bring to the
[17] attention of the judge or jury any changes or
[18] conflicts in your testimony here today and any future
[19] proceedings, do you understand that?
[20] A Yes.
[21] Q Okay. I would basically ask you this,
[22] and that is not to answer any question that I ask that
[23] you do not understand. If you don't understand a
[24] question, please ask me to rephrase it or to restate
[25] it, okay?

**PLAINTIFF'S
EXHIBIT**

tabbles

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- [1] BY MR. BREWER:
- [2] Q Let me ask you this question,
- [3] Mr. Garrison: Was anybody else present when you and
- [4] Mr. Martin discussed keeping time records?
- [5] A No.
- [6] Q It was just you and him?
- [7] A Yes.
- [8] Q Was it done over the telephone?
- [9] A Let's see. No.
- [10] Q It was done in person?
- [11] A Yes.
- [12] Q Where? Where was it done?
- [13] A At a meeting.
- [14] Q At a meeting where?
- [15] A To a restaurant.
- [16] Q In a restaurant?
- [17] A Yes.
- [18] Q Was anybody else present?
- [19] A Yes.
- [20] Q Who was present?
- [21] A The rest of the defendants.
- [22] Q The rest of the plaintiffs, do you
- [23] mean?
- [24] A I meant the plaintiffs, yes.
- [25] Q Just to be sure who we're talking

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- [1] know, for unpaid overtime.
- [2] A Yes.
- [3] Q And you have made those claims because
- [4] you feel you're entitled to that money?
- [5] A Yes.
- [6] Q My question is did you try to get
- [7] anybody to give you a statement to that effect, that
- [8] you are entitled to that overtime?
- [9] A Yes.
- [10] Q Who?
- [11] A My lawyer, Mr. Martin.
- [12] Q Okay, outside of Mr. Martin?
- [13] A Oh, yes, Mr. Martin and Doug Lynch.
- [14] Q And Doug Lynch? You asked Doug Lynch
- [15] to give you a statement?
- [16] A Not a statement, but he said that I'm
- [17] entitled to it.
- [18] Q Mr. Lynch told you that?
- [19] A Yes.
- [20] Q When did he tell you that?
- [21] A Well, at the chicken farm, he came out
- [22] there and seen me, and asked me about the lawsuit.
- [23] And he said that he did owe us some money of the
- [24] lawsuit but he didn't know how much.
- [25] Q Okay. So let me, if I can put this in

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- [1] about, we're talking about a Mr. Willie Davis?
- [2] A Larry Gibbs.
- [3] Q I'm sorry, was Mr. Davis present at
- [4] this meeting?
- [5] A Yes, yes.
- [6] Q And was Mr. Briddell present at this
- [7] meeting?
- [8] A Briddell?
- [9] Q Nathaniel Briddell?
- [10] A Yes.
- [11] Q How about George Feddiman?
- [12] A Yes.
- [13] Q And yourself, of course?
- [14] A Yes.
- [15] Q Mr. Larry Gibbs?
- [16] A Yes.
- [17] Q Mr. Roy Walters?
- [18] A Yes.
- [19] Q And anybody else?
- [20] A No.
- [21] Q Okay, thank you. Let me ask you this,
- [22] sir: Did you attempt to attain any statements in
- [23] support of your claims from anybody?
- [24] A No. Say that again.
- [25] Q You have made certain claims, as you

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- [1] perspective, sometime after June 18th of 2004,
- [2] Mr. Lynch came out to see you on a farm where you were
- [3] catching chickens?
- [4] A Yes.
- [5] Q Can you tell me approximately when that
- [6] was?
- [7] A I don't know the month that it -- no.
- [8] It was cold, it was in the wintertime.
- [9] Q Winter of 2004, would that be a fair --
- [10] A Yes.
- [11] Q -- approximation?
- [12] A Uh-huh.
- [13] Q And tell me when that occurred, what
- [14] Mr. Lynch said and what you said.
- [15] A Well, he asked me, said, "Joe, I heard
- [16] about the lawsuit that's going on." He said, "I'm
- [17] asking you to not to sign any papers," he said, "we
- [18] can talk about it." He said, "I do know that we owe
- [19] you all some money but," he said, "I don't know how
- [20] much."
- [21] Then he said that, "Willie Davis is
- [22] doing this but," he said, "he's a nobody and he's not
- [23] getting any money, he's not getting anything. But he
- [24] said, "We know we owe y'all some but," he said, "we
- [25] don't know how much."

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- [1] Q Okay. Was anybody else present?
- [2] A Just me and him talking.
- [3] Q Okay. Did you try to obtain -- so in
- [4] answer to that question, did you ask Mr. Lynch to give
- [5] you a statement to that effect?
- [6] A No.
- [7] Q All right. Did you ask anybody to give
- [8] you sort of a statement to help you in this case?
- [9] A No.
- [10] Q All right. Sir, have you been involved
- [11] in any other lawsuits as either a plaintiff or a
- [12] defendant?
- [13] A Yes, I have, one time before.
- [14] Q Okay, can you tell me a little about
- [15] that, please?
- [16] A Just the one that they have with
- [17] Clarence Heath.
- [18] Q All right, that was an arbitration
- [19] case?
- [20] A That's the only thing.
- [21] Q That's the only thing? So you have
- [22] never sued anybody in court?
- [23] A Oh, no.
- [24] Q Nor have you been sued by anybody in
- [25] court?

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- [1] Q Okay, that's fine. What is your birth
- [2] date?
- [3] A 7-16-59.
- [4] Q And you are how old then?
- [5] A 45.
- [6] Q 45 years old, okay. Are you married,
- [7] sir?
- [8] A Yes.
- [9] Q And what's your wife's name?
- [10] A Vanzalle, V-a-n-z-a-l-l-e.
- [11] Q And is your wife employed?
- [12] A Yes.
- [13] Q Where is she employed, sir?
- [14] A Ocean Club Village 2 on 120th Street of
- [15] Ocean City, Maryland.
- [16] Q I'm not familiar, what kind of an
- [17] establishment is that?
- [18] A It's an Ocean View Club 2, it's a
- [19] condominium.
- [20] Q Oh, I see, okay. And what does she do
- [21] there?
- [22] A She's a maid supervisor.
- [23] Q Okay. What was your -- what is your
- [24] father's name, I'm sorry?
- [25] A Well, his name was Joseph but --

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- [1] A No.
- [2] Q All right. Do you have any criminal
- [3] convictions at all?
- [4] A No.
- [5] Q Have you ever appeared as a witness in
- [6] behalf of anybody in any litigation?
- [7] A No.
- [8] Q We have your full legal name, you have
- [9] given that to the court reporter, I believe, has he
- [10] not?
- [11] A Yes.
- [12] Q Have you ever gone by any other name?
- [13] A No.
- [14] Q What's your present address, please?
- [15] A Route 4, Box 4E, Frankford, Delaware,
- [16] 19945.
- [17] Q And how long have you been at that
- [18] address, sir?
- [19] A Approximately six years.
- [20] Q And prior addresses? Where did you
- [21] live prior to that?
- [22] A I stayed at Selbyville; on Route 2, Box
- [23] 386, Selbyville.
- [24] Q Okay, and how long were you there?
- [25] A Roughly 15 years.

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- [1] Q Joseph?
- [2] A Yeah, he's deceased.
- [3] Q Okay. And what was your mother's
- [4] maiden name, if you don't mind my asking?
- [5] A Violet Garrison.
- [6] Q Her maiden name before she got married?
- [7] A Um-hmm.
- [8] Q Oh, she was Garrison before she got
- [9] married?
- [10] A Well, she's a -- well, she was a
- [11] Garrison, but now she's a Poole, Yvonne Poole.
- [12] Q Is your mother still alive?
- [13] A Yes.
- [14] Q Okay, and does she have an occupation?
- [15] A No, she don't work.
- [16] Q Do you have any brothers or sisters?
- [17] A Yes.
- [18] Q Can you tell me how many of each?
- [19] A I have three brothers and five sisters.
- [20] Q Do you have any dependents, sir?
- [21] A Five.
- [22] Q And can you give me their names and
- [23] ages, please, and the relationship?
- [24] A Okay. Javon Garrison, he's 11, that's
- [25] my son.